

2167

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rob G. Parrish

Group Art Unit: 2167

Serial No.: 09/501,793

Examiner: Andrew J. Fischer

Filed: 2/10/00

Title: Trailer Rack Rack

Atty Docket No.: P30321US



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The Assistant Commissioner for Patents
Washington, D.C. 20231

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Signature Erik J. Ostermiller
Date 1/17/01

TRANSMITTAL LETTER

Please find enclosed for filing in the above-referenced case:

- Response to the office action dated 01/03/01.
- Stamped and self-addressed return postcard, for date stamping by the USPTO to indicate submission of the response to the office action dated 01/03/01.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 01-2511 for any additional filing fees required or overpaid.

Respectfully submitted,

Date: January 17, 2001

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In re Application of: Rob G. Parrish

Serial No.: 09/501,793

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Signature

Eric G. Osterman

Date

1/17/01

RESPONSE TO OFFICE ACTION OF JANUARY 3, 2001

Dear Sir:

The office action of January 3, 2001 included a restriction requirement to one of two "distinct" inventions.¹ Applicant elects with traverse and respectfully requests reconsideration of the restriction requirement.

Election

Applicant elects to prosecute claims 1-20 and 37-58.

Argument

Applicant elects with traverse because the claimed inventions are not distinct. "The term 'distinct' means that two or more subjects as disclosed are related," "but are capable of separate manufacture, use or sale as claimed *and* are patentable over each other."²

¹ Office Action of January 3, 2001, page 2, issued against Rob G. Parrish, *Trailer Rack Rack* (United States Serial Number 09/501,793; Filed 2/10/00) (Atty Docket No. P30321US).

² Manual of Patent Practice & Procedure § 802.01 (2000).